

<div>CITY OF SAN JOSÉ, CALIFORNIA Department of Planning, Building and Code Enforcement 801 North First Street, Room 400 San José, California 95110-1795</div> <div>STAFF REPORT</div>	Hearing Date/Agenda Number P.C. 08-27-03      Item No. 3.c.	
	File Number PDC03-007	
	Application Type Planned Development Rezoning	
	Council District 4	
	Planning Area Alviso	
	Assessor's Parcel Number(s) 015-34-063	
PROJECT DESCRIPTION		
Completed by: Caleb Gretton		
Location: Southwestern corner of Gold Street and Guadalupe River		
Gross Acreage: 2.248      Net Acreage: 2.248      Net Density: N/A		
Existing Zoning: A(PD) Planned Development      Existing Use: Vacant		
Proposed Zoning: A(PD) Planned Development      Proposed Use: Up to 32,022 square foot building for Industrial Design uses		
GENERAL PLAN		
Completed by: CG		
Land Use/Transportation Diagram Designation River Commercial		
Project Conformance: [ x ] Yes    [ ] No [ ] See Analysis and Recommendations		
SURROUNDING LAND USES AND ZONING		
Completed by: CG		
North:      Guadalupe River      HI Heavy Industrial		
East:      Mobile Home Park and Industrial uses      R-MH and A(PD) Planned Development		
South:      Industrial Research and Development      A(PD) Planned Development		
West:      Industrial Research and Development      A(PD) Planned Development		
ENVIRONMENTAL STATUS		
Completed by: CG		
[ x ] Environmental Impact Report Resolution No. 67684      [ ] Exempt [ ] Negative Declaration      [ ] Environmental Review Incomplete		
FILE HISTORY		
Completed by: CG		
Annexation Title: Port of Alviso		
Date: November 30, 1912		
PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION		
[ X ] Approval      Date: _____      Approved by: _____ [ ] Approval with Conditions      [ ] Action [ X ] Recommendation		
OWNER	APPLICANT/ DEVELOPER	
Lincoln 237 Assoc. Limited Partners Barry DiRainmando 4000 E. 3 <sup>rd</sup> Avenue Foster City, CA 94404	Legacy Partners Tom Jodry 4000 E. 3 <sup>rd</sup> Avenue Foster City, CA 94404	

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**PUBLIC AGENCY COMMENTS RECEIVED**

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**Completed by: CG**

See attached memorandum.

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**Other Departments and Agencies**

See attached memoranda from the Fire Department, Police Department, Environmental Services Department, and letters from the Santa Clara Valley Water District, and the Guadalupe Coyote Resource Conservation District

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**GENERAL CORRESPONDENCE**

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None received.

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**ANALYSIS AND RECOMMENDATIONS**

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**BACKGROUND**

The property owner is requesting a rezoning of the subject 2.2 gross-acre site from *A(PD) Planned Development* zoning district to *A(PD) Planned Development* zoning district to allow the development of up to 32,022 square feet of Industrial Design, or development of up to 6,000 square feet of restaurant, retail or other similar commercial uses. The existing zoning for the site permits development of up to 6,000 square feet of commercial and retail uses on the subject property.

The subject property is a flat, vacant parcel located on the southwest corner of Guadalupe River and Gold Street. Land uses to the south of the subject property include industrial office uses and a 100-room hotel. The site is bordered on the west by a former landfill facility, currently undergoing final closure, which has been approved for development with industrial park uses. The Guadalupe River borders the subject property to the north with the Cargill salt ponds and the Santa Clara Valley Water District wetlands area further to the north and west. To the east of the property are industrial uses and a mobile home park.

**GENERAL PLAN CONFORMANCE**

The site has a Land Use designation of *River Commercial* on the San Jose 2020 General Plan Land Use/Transportation Diagram. The proposed *A(PD) Planned Development* zoning district is consistent with this designation. In 1998 the City Council approved a General Plan Text Amendment to include "Industrial Design" uses as allowed within the River Commercial Land Use designation. The proposed zoning would be consistent with this change to the General Plan by adding industrial design as an allowed use on the site and would otherwise be consistent with the River Commercial designation and the Alviso Master Plan goals and policies.

## ENVIRONMENTAL REVIEW

An Environmental Impact Report (EIR) was prepared for the previous rezoning of the project site and certified on October 7, 1997. The EIR addressed a wide range of environmental issues, including the following: land use compatibility; soils and geology; transportation; flooding, drainage, and water quality; air quality; biological resources; hazardous materials; noise and vibration; utilities and services; archaeological resources; and cumulative loss of owl habitat. As a result, a large number of mitigation measures were identified for the existing zoning and have been included into the proposed project to reduce potentially significant environmental impacts to less than significant levels.

A new traffic Report was prepared to identify any potential traffic impacts as a result of the development of up to 32,022 square feet of Industrial Design or other similar industrial office use as a part of the proposed rezoning. It has been determined that this type of use (Industrial Design) would generate significantly lower amounts of traffic than the previous approved use (restaurant) and will therefore have no new significant impacts on traffic. The Director of Planning has determined that there will be no additional impacts as a result of the development of a 32,022 square foot industrial building as proposed.

Comments were received from two outside agencies, the Santa Clara Valley Water District and the Guadalupe Coyote Resource Conservation District. Both expressed concern over the proposal to develop within an existing flood plain. This issue was raised previously during consideration of the currently approved project. The proposed project however would not result in a more intense use than that previously approved for the same site. City staff has concluded that it is possible to adequately address concerns related to the flood plain through the project engineering and the incorporation of mitigation measures, as previously addressed in the project FEIR.

## ANALYSIS

The principal issues associated with this project are: 1) conformance with the Alviso Master Plan; 2) conformance to the Riparian Corridor Policy; and 3) conformance with the Industrial Design Guidelines.

### **Alviso Master Plan**

The subject site has a Land Use Designation of *River Commercial* in the Alviso Master Plan. This designation is intended to promote a positive relationship between the river and adjacent land uses. The Alviso Master Plan also sets development standards intended to reflect and acknowledge the river environment by orienting seating areas, windows, decks, balconies, walkways, and open space to the river while orienting utility, parking, storage and trash areas away from the river. The Alviso Master Plan also identifies Gold Street as important “gateway” in to Alviso and set some general architectural standards to support development consistent with the existing character of Alviso.

The proposed rezoning for the development of a 32,022 square foot industrial building includes development standards that require the project to have a river orientation and to reinforce Gold Street as a “gateway” in to Alviso, consistent with the text of the Alviso Master Plan. As depicted on the conceptual site plan, the building would have an entry oriented towards Gold Street and a minimal amount of parking in front of the building to help establish and enhance the “gateway” to Alviso. The proposed project would include an outdoor seating area on the buildings side facing the river and a pedestrian pathway to connect from that area to the planned Bay Trail along the Guadalupe River.

The site is constrained with high-tension power lines that run along the north edge of the property that prohibit the developer from placing the building closer to the river and that prevent the construction of elements such as decks and viewing areas close to the rivers edge. However, by providing the proposed outdoor seating area, windows and a pedestrian path oriented towards the river, the project would be consistent with the intent and goals of the Riparian Corridor Policy and the Alviso Master Plan. The proposed building also incorporates large, simple roof forms, and minimizes the amount of glass cladding consistent with the Master Plan's guidelines.

### **Riparian Corridor Policy**

The proposed Zoning and project conceptual site plan have also been developed to be consistent with the Riparian Corridor Policy. As mentioned above, the proposed project includes outdoor seating areas, windows, and pedestrian circulation oriented towards the riparian corridor. Incompatible uses, such as, loading areas, trash enclosure and utilities are located away from the riparian corridor towards the rear of the property. The proposed rezoning includes a 100-foot riparian setback that is to be planted with native vegetation consistent with the existing natural habitat.

### **Industrial Design Guidelines**

The proposed rezoning includes development standards consistent with the City's Industrial Park district and consistent with the Industrial Design Guidelines. These include requirements for a 15-foot front landscaped setback area a 5-foot side landscaped setback area and a 5-foot rear landscaped setback area. Specific building design will be determined through the Planned Development Permit process, but the building depicted in the conceptual elevations would be consistent with those Guidelines, as well as the Alviso Master Plan.

## **CONCLUSION**

As discussed above, the proposed rezoning is consistent with General Plan, Alviso Master Plan, Riparian Corridor Policy and Industrial Design Guidelines. Staff recommends approval of the proposed A(PD) Planned Development Rezoning.

## **PUBLIC OUTREACH**

A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site. Staff has been available to discuss the proposal with members of the public.

## **RECOMMENDATION**

Planning staff recommends approval of the proposed zoning for the following reasons:

1. The proposed rezoning is in conformance with the General Plan Land Use/Transportation Diagram designation of *River Commercial*.
2. The proposed rezoning is compatible with surrounding land uses.
3. The proposed project is consistent with the Riparian Corridor Policy.
4. The proposed project is consistent with the Alviso Master Plan.